THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16184 of 2005

28th July 2005

Between:

1. Ganta Veera Venkata Chandra Sekhar, S/o.G.V.V.Ramana, 25 years, D.No.36-4-9, Innispeta, Rajahmundry.

And one other.

...PETITIONERS

AND

The Mandal Revenue Officer, Gokavaram, E.G.District.

...RESPONDENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16184 of 2005

ORDER:

This Writ Petition is filed by the petitioners seeking a declaration of the action of the respondent in initiating proceedings vide Ref.B.55/05, dated 24.02.2005 under A.P.Assigned Land (Prohibition of Transfers) Act, 1977 ('the Act' for brevity) as illegal, arbitrary and violative of Articles 21 and 300-A of the Constitution of India read with the provisions of the Act and consequently restrain the respondent from interfering with the peaceful possession and enjoyment of the lands admeasuring Ac.1.29 cents, Acs.3.10 cents and Acs.3.36 cents in Survey Nos.11/1, 422/5 and 423/1 respectively of Krishnapalem Village, Gokavaram Mandal, E.G.District.

As per the Certificate of Death dated 28.02.2005 issued by the Registrar of Births & Deaths, Municipal Corporation, Rajahmundry cited in the material papers of the Writ Petition at page No.12, one Ganta Veerraju, to whom the respondent issued show cause notice dated 24.02.2005 under Rule 3 of the A.P.Assigned Land (Prohibition of Transfers) Rules, 1977, expired on 07.02.2000. Therefore, the respondent issued show cause notice without verifying whether the person against whom he has issued show cause notice is alive or not.

Considering the facts and circumstances of the case, I deem it appropriate to allow the Writ Petition at the admission stage.

The Writ Petition is accordingly allowed. The show cause notice dated 24.02.2005 is set aside. No order as to costs.

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(ELIPE DHARMA RAO, J)

28th July 2005

RRB